

Receipt date: 06/09/2009

10802906 - GAU: 3775
OMB 0651-0031

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SUBSTITUTE FOR FORM PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary) Sheet 1 of 7		Attorney Docket Number 101.0058-03000	Customer No. 22882
		Applicant Gary K. Michelson	Application Number 10/802,906
		Filing Date March 17, 2004	Group Art Unit 3775 Examiner R. Shaffer

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
Lit. 4, Rex. 5	74,489	2/1868	Bidwell			
	824,867	7/2006	Houghton			
	2,423,511	7/1947	Luben et al.			
Rex. 5 *	2,526,959	10/1950	Lorenzo			
Lit. 4	2,550,867	5/1951	Rosan			
	2,757,457	8/1956	Ziegelski, Sr.			
Rex. 3, Rex. 6 *	2,825,329	3/1958	Caesar			
Lit. 4 *	3,244,170	4/1966	McElenny			
	3,709,219	1/1973	Halloran			
Lit. 2	3,741,205	6/1973	Markolf			
	3,750,652	8/1973	Sherwin			
	3,840,014	10/1974	Ling et al.			
Lit. 1, Lit. 2, Lit. 4 *	3,842,825	10/1974	Wagner			
	3,866,523	2/1975	Geschwender			
	3,960,147	6/1976	Murray			
	4,069,586	1/1978	Skelton			
	4,081,309	3/1978	Jenkins			
	4,102,339	7/1978	Weber et al.			
Lit. 4 *	4,338,926	7/1982	Kummer et al.			
Lit. 2	4,484,570	11/1984	Sutter et al.			
Lit. 2, Lit. 4, Rex. 1, Rex. 3, Rex. 5, Rex. 6 *	4,488,543	12/1984	Tornier			
	4,563,489	1/1986	Urist			
Lit. 2	4,573,458	3/1986	Lower			
	4,596,574	6/1986	Urist			
Lit. 4	4,599,086	7/1986	Doty			
Lit. 4	4,683,108	7/1987	Balog			
	4,733,657	3/1988	Kluger			
Lit. 4	4,743,256	5/1988	Brantigan			
Lit. 1, Lit. 2 *	4,794,918	1/1989	Wolter			
	4,863,475	9/1989	Anderson et al.			
	4,896,661	1/1990	Bogert et al.			

Receipt date: 06/09/2009

10802906 GAU: 3775

	4,898,161	2/1990	Grundeis			
Lit. 2, Lit. 3, Lit. 4, Rex. 3, Rex. 4, Rex. 6	4,917,704	4/1990	Frey et al.			
	4,929,247	5/1990	Rayhack			
Lit. 4, Rex. 5	4,950,270	8/1990	Bowman et al.			
Lit. 2, Lit. 4, Rex. 3, Rex. 4, Rex. 6	4,955,908	9/1990	Frey et al.			
	4,957,495	9/1990	Kluger			
	4,961,740	10/1990	Ray et al.			
Lit. 4, Rex. 2, Rex. 5	5,013,313	5/1991	Surer			
	5,019,079	5/1991	Ross			
	5,052,373	10/1991	Michelson			
Lit. 2 *	5,053,036	10/1991	Perren et al.			
	5,059,194	10/1994	Michelson			
	5,071,437	12/1991	Steffee			
Rex. 3, Rex. 6	5,084,051	1/1992	Tormala et al.			
Lit. 2, Lit. 4	5,085,660	2/1992	Lin			
Lit. 4 *	5,127,914	7/1992	Calderale et al.			
Rex. 5 *	5,129,899	7/1992	Small et al.			
Lit. 2 *	5,151,103	9/1992	Tepic et al.			
	5,167,662	12/1992	Hayes et al.			
Lit. 2 *	5,209,751	5/1993	Farris et al.			
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Lit. 2, Rex. 5 *	5,261,910	11/1993	Warden et al.			
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Lit. 1, Lit. 2, Lit. 4, Rex. 1, Rex. 2, Rex. 3, Rex. 4, Rex. 5, Rex. 6 *	5,364,399	11/1994	Lowery et al.			
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Rex. 3, Rex. 6 *	5,397,363	3/1995	Gelbard			
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Receipt date: 06/09/2009

10802906 - GAU: 3775

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	5,456,685	10/1995	Huebner		
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	5,478,340	12/1995	Kluger		
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Lit. 2, Lit. 4 *	5,487,741	1/1996	Maruyama et al.		
Rex. 2, Rex. 5	5,492,442	2/1996	Lasner		
Lit. 4	5,520,687	5/1996	Howland		
Lit. 2, Lit. 4, Rex. 2, Rex. 5 *	5,520,690	5/1996	Errico et al.		
Rex. 1 *	5,527,310	6/1996	Cole et al.		
	5,527,314	6/1996	Brumfield et al.		
	5,531,554	7/1996	Jeanson et al.		
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	5,545,165	8/1996	Biedermann et al.		
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Lit. 1, Lit. 2, Lit. 4, Rex. 1, Rex. 2, Rex. 3, Rex. 4, Rex. 5, Rex. 6 *	5,549,612	8/1996	Yapp et al.		
	5,562,663	10/1996	Wisnewski et al.		
Lit. 2	5,569,251	10/1996	Baker		
Lit. 2, Lit. 4 *	5,578,034	11/1996	Estes		
Lit. 4	5,582,612	12/1996	Lin		
	5,593,409	1/1997	Michelson		
Lit. 2, Rex. 3, Rex. 6 *	5,601,553	2/1997	Trebing et al.		
Lit. 2 *	5,607,426	3/1997	Ralph et al.		
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Lit. 2 *	5,643,265	7/1997	Errico et al.		
Lit. 2, Lit. 4, Rex. 1, Rex. 2, Rex. 5 *	5,676,666	10/1997	Oxland et al.		
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	5,772,661	6/1998	Michelson		
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Receipt date: 06/09/2009

10802906 GAU: 3775

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Lit. 2, Lit. 4, Rex. 1 *	5,876,402	3/1999	Errico			
Rex. 4 *	5,876,446	3/1999	Agrawal et al.			
Lit. 4, Rex. 3, Rex. 6 *	5,888,223	3/1999	Bray, Jr.			
Lit. 2, Lit. 4	5,931,838	8/1999	Vito			
Lit. 4 *	6,022,350	2/2000	Ganem			
	6,030,389	2/2000	Wagner et al.			
	6,139,550	10/2000	Michelson			
Lit. 4	6,193,719	2/2001	Gournay et al.			
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	6,383,186	5/2002	Michelson			
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Rex. 5	6,620,163	9/2003	Michelson			
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	CA 2 154 470 A1	8/1994	Canada			N/A
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Lit. 4	DE 36 30 863 A1	3/1988	Germany			YES
Lit. 4	DE 88 04 457 U1	6/1988	Germany			YES
Lit. 4	DE 195 42 116 A1	5/1997	Germany			YES
Lit. 4	EP 0 179 695 A1	4/1986	Europe			YES
Lit. 4	EP 0 242 842 A2	10/1987	Europe			YES
Lit. 4, Rex. 5	EP 0 276 153 A2	7/1988	Europe			N/A
Lit. 4, Rex. 1, Rex. 3, Rex. 6	EP 0 538 895 A2	4/1993	Europe			N/A
Lit. 4	EP 0 672 397 A1	9/1995	Europe			YES
Lit. 4	EP 0 689 800 A2	1/1996	Europe			YES
Lit. 4	EP 0 699 057 A1	3/1996	Europe			YES
	EP 1 106 144	6/2001	Europe			N/A
Lit. 4, Rex. 3, Rex. 4, Rex. 6	FR 2 570 594 A1	3/1986	France			YES
Lit. 4	FR 2 739 151 A1	3/1997	France			YES
Lit. 4 *	FR 2 740 321	4/1997	France			Abstract only
Lit. 4	SU 1375252 A1	2/1988	Soviet Union			NO

Lit. 4	SU 1560165 A1	4/1990	Soviet Union			NO
Lit. 4	SU 1804317 A3	3/1993	Soviet Union			NO
Rex. 4	WO 88/03781	6/1988	WIPO			YES
	WO 94/17744	8/1994	WIPO			N/A
Lit. 2	WO 95/25474	9/1995	WIPO			YES
Lit. 2, Lit. 4	WO 95/26164 A1	10/1995	WIPO			N/A
Lit. 4 *	WO 95/31941	11/1995	WIPO			N/A
Rex. 5	WO 96/05778 A1	2/1996	WIPO			N/A
Lit. 4	WO 96/32071 A1	10/1996	WIPO			N/A

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Lit. 2	Defendant's Third Supplemental Response to Plaintiffs' Interrogatory Nos. 8-11 . SDGI Holding, Inc. and Medtronic Sofamor Danek, Inc. v. EBI, L.P. and Biomet, Inc. in U.S. District Court for the District of New Jersey; Civil Action No. 2:06-CV-0490; pages 1-46.
Lit. 2, Rex. 1, Rex. 2, Rex. 3, Rex. 6	Bohler and Gaudernak, Anterior Plate Stabilization for Fracture-Dislocations of the Lower Cervical Spine, The Journal of Trauma, Vol. 20, No. 3, Pages 203-205 (Mar. 1980)
Lit. 2	Kotani et al., Biomechanical Analysis of Cervical Stabilization Systems, Spine, Vol. 19, No. 22, Pages 2529-2539 (1994), prior to July 1, 2004.
Lit. 2	Taha and Zuccarello, ORION Anterior Cervical Plate System, Neurosurgery, Vol. 38, No. 3, Pages 607-610 (Mar. 1996).
Lit. 2	Weis et al., In Vitro Biomechanical Comparison of Multistrand Cables with Conventional Cervical Stabilization, Spine, Vol. 21, No. 8, Pages 2108-2114 (1996), prior to July 1, 2004.
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Lit. 2	Baldwin et al., Failure of a titanium anterior cervical plate implant: microstructural analysis of failure, Case Report, <u>J. Neurosurgery</u> , Vol. 83, No. 4, cover page and pages 741-743 (October 1995).
Lit. 2	Ebraheim et al., Osteosynthesis of the Cervical Spine With an Anterior Plate, <u>Orthopedics</u> , Vol. 18, No. 2, cover page and pages 141-147 (February 1995).
Lit. 2	Kostuik et al., Anterior Cervical Plate Fixation with the Titanium Hollow Screw Plate System, <u>Spine</u> , Vol. 18, No. 10, Pages 1273-1278 (1993), prior to July 1, 2004.
Lit. 2	Rengachery et al., "Stabilization of the Cervical Spine with the Locking Plate System" in <u>Techniques in Spinal Fusion and Stabilization</u> , Pages 176-190 (1995), prior to July 1, 2004.
Lit. 2	Suh et al., Anterior Cervical Plate Fixation with the Titanium Hollow Screw Plate System, A Preliminary Report, <u>Spine</u> , Vol. 15, No. 10, cover page and pages 1079-1081 (November 1990).
Lit. 2	Zimmer Product Encyclopedia (Zimmer USA June 1978).
Lit. 2 *	Codman Anterior Cervical Plate System (advertised in Spine, Vol. 20, No. 13 (Sep. 1995)).
Lit. 1, Rex. 5 *	ORION Brochure, Anterior Cervical Plate System, Surgical Technique, as described by Gary L. Lowery, M.D., Ph.D. (July 1996); pages 1-24 plus 1 page.
Lit. 2 *	ACROMED; AcroPlate Anterior Cervical System: Ordering Information for Implants and Instruments; (Jan. 1994).
Rex. 5 *	CASPAR et al.; <u>Experimental and Clinical Studies, Anterior Cervical Fusion and Caspar Plate Stabilization for Cervical Trauma</u> ; Neurosurgery; Vol. 25; No. 4; 1989; pp. 491-502.
	CLOWARD INSTRUMENT CORPORATION; Brochure, New Cloward Cervical Dislocation Reducer; Catalog No. C17-1000; 1 page; Prior to July 1, 2004.
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Rex. 2	Relevant portions of the '586 patent file history. Including: File Wrapper Jacket (1 page); Application filed July 17, 2000 (pages 1-161); Restriction requirement mailed May 18, 2001 (5 pages); Reply to Restriction Requirement mailed September 18, 2001 (2 pages); Office Action mailed December 6, 2001 (6 pages); Fee Record Sheet (1 page); Bib Data Sheet (1 page); Amendment faxed June 6, 2002 (35 pages); Amendment faxed August 29, 2002 (21 pages); Notice of Allowability mailed September 10, 2002 (8 pages); Amendment mailed December 10, 2002 (27 pages); Amendment faxed February 25, 2003 (13 pages); Notice of Allowability mailed March 4, 2003 (5 pages); Amendment mailed April 8, 2003 (2 pages); Office Communication mailed May 8, 2003 (2 pages).
Rex. 2	Relevant portions of U.S. Application No. 09/669,912. Including: File Wrapper Jacket (1 page); Amendment mailed September 24, 2001 (17 pages).
Rex. 3	Relevant portions of U.S. Patent Application 11/110,161. Including: Continuing Application Transmittal filed April 20, 2005; Office Action mailed September 3, 2008 (13 pages).
Rex. 1	Relevant portions of the '542 patent file history. Including: File Wrapper Jacket (1 page); Amendment faxed November 19, 2001 (15 pages); Notice of Allowability mailed December 5, 2001 (4 pages); and Amendment faxed March 6, 2002 (12 pages).
Rex. 3	Relevant portions of the '050 patent file history. Including: Continuing Application Transmittal filed April 9, 2003 (1 page); Notice of Allowability with two initialed PTO/SB/08s mailed February 24, 2005 (9 pages).
Rex. 4	Relevant portions of the '320 patent file history. Including: Divisional Application Transmittal filed September 24, 2002 (1 page); Amendment mailed September 24, 2002 (8 pages); Office Action mailed November 26, 2004 (7 pages); Interview Summary mailed March 1, 2005 (2 pages); Amendment faxed March 2, 2005 (13 pages).
Rex. 5	Relevant portions of the '390 patent file history. Including: Continuing Application Transmittal with claims filed March 11, 2003 (8 pages); Notice of Allowance with initialed PTO/SB/08s and 892 mailed February 24, 2005 (15 pages).
Rex. 6	Relevant portions of the '051 patent file history. Including: Continuing Application Transmittal filed April 10, 2003 (1 page); Notice of Allowability with initialed PTO/SB/08s mailed February 24, 2005 (9 pages).
Rex. 3, Rex. 6	Relevant portions of U.S. Patent Application 10/802,906. Including: Continuing Application Transmittal filed March 17, 2004 (1 page); Office Action mailed December 10, 2008 (10 pages).
Rex. 1	NuVasive HELIX ACP Surgical Technique; 2008; cover page, pages 1-21, and back page.
Rex. 3	Relevant portions of U.S. Application No. 10/938,380. Including: Continuing Application Transmittal filed September 10, 2004 (1 page); Office Action mailed October 2, 2007 (10 pages); Amendment and Information Disclosure Statement faxed January 2, 2008 (20 pages).
Rex. 1	Relevant portions of U.S. Application No. 10/938,380. Including: Advisory Action mailed January 7, 2009 (3 pages); Continuing Application Transmittal mailed September 10, 2004 (1 page).
Rex. 6	Relevant portions of U.S. Application No. 10/938,380. Including: Office Action mailed October 2, 2007 (10 pages); Amendment with Information Disclosure Statement faxed January 2, 2008 (20 pages).
Rex. 5	Relevant portions of U.S. Application No. 09/618,036. Including: File Wrapper Jacket (1 page); Application filed July 17, 2000 (pages 1, 79-160); Amendment faxed July 11, 2002 (11 pages); Office Action with initialed PTO/SB/08s and PTO-892 mailed August 5, 2002 (11 pages); Amendment faxed January 9, 2003 (26 pages); Amendment faxed January 14, 2003 (12 pages); Notice of Allowability with initialed PTO/SB/08 mailed January 21, 2003 (6 pages).
Rex. 5	Relevant portions of U.S. Application No. 09/022,293. Including: File wrapper jacket (1 page); Patent Application Transmittal filed February 11, 1998 (1 page); Fee Transmittal mailed February 11, 1998 (1 page); Application filed on February 11, 1998 (pages 1, 73-148); Restriction Requirement mailed March 23, 1999 (5 pages); Reply to Restriction Requirement mailed July 22, 1999 (2 pages); Office Action with initialed PTO/SB/08 and PTO-892 mailed October 13, 1999 (14 pages); Reply to Office Action mailed April 13, 2000 (17 pages, 2 copies); Notice of Allowability with initialed PTO/SB/08 mailed September 26, 2000 (5 pages).
Rex. 1	Relevant portions of U.S. Application No. 09/022,293. Including: File Wrapper Jacket (1 page); Restriction Requirement mailed March 23, 1999 (6 pages); Reply to Restriction Requirement mailed July 22, 1999 (2 pages); Office Action mailed October 13, 1999 (11 pages); Application filed on February 11, 1998 (pages 1-149); Reply to Office Action mailed April 13, 2000 (17 pages); Notice of Allowability mailed September 26, 2000 (3 pages).

Receipt date: 06/09/2009

10802906 - GAU - 3775

Rex. 2	Portions of U.S. Application No. 09/022,293. Including: File Wrapper Jacket (1 page); Application filed on February 11, 1998 (pages 1-102); Restriction Requirement mailed March 23, 1999 (6 pages); Reply to Restriction Requirement mailed July 22, 1999 (2 pages); Office Action mailed October 13, 1999 (11 pages); Reply to Office Action mailed April 13, 2000 (17 pages).	
Rex. 1	Request for Inter Partes Reexamination of U.S. Patent No. 6,428,542, dated March 9, 2009, cover page and pages 1-71.	
Rex. 1	Corrected Request for Inter Partes Reexamination of U.S. Patent No. 6,428,542, dated April 6, 2009, cover page and pages 1-74.	
Rex. 1	Second Corrected Request for Inter Partes Reexamination of U.S. Patent No. 6,428,542, dated May 20, 2009, pages 1-82.	
Rex. 2	Request for Inter Partes Reexamination of U.S. Patent No. 6,592,586, dated March 9, 2009, cover page and pages 1-101.	
Rex. 2	Corrected Request for Inter Partes Reexamination of U.S. Patent No. 6,592,586, dated May 18, 2009, pages 1-108.	
Rex. 3	Request for Inter Partes Reexamination of U.S. Patent No. 6,936,050, dated March 9, 2009, cover page and pages 1-53.	
Rex. 4	Request for Inter Partes Reexamination of U.S. Patent No. 6,916,320, dated March 9, 2009, cover page and pages 1-33.	
Rex. 4	Corrected Request for Inter Partes Reexamination of U.S. Patent No. 6,916,320, dated April 6, 2009, pages 1-35.	
Rex. 5	Request for Inter Partes Reexamination of U.S. Patent No. 6,969,390, dated March 9, 2009, cover page and pages 1-71.	
Rex. 5	Corrected Request for Inter Partes Reexamination of U.S. Patent No. 6,969,390, dated May 18, 2009, pages 1-80.	
Rex. 6	Request for Inter Partes Reexamination of U.S. Patent No. 6,936,051, dated March 9, 2009, cover page and pages 1-51.	
EXAMINER	/Matthew Lawson/	DATE CONSIDERED 09/22/2009
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.		